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HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207	BASOM, BLAINE T

	ART UNIT	PAPER NUMBER
	2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	10/062,102	BATES ET AL.
Office Action Summary	Examiner	Art Unit	
	Blaine Basom	2173	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

The Examiner acknowledges the Applicants' arguments received on November 8, 2006.

To begin, the Examiner respectfully notes that these arguments do not address the 35 U.S.C. §

112, first paragraph, rejection presented in the previous Office Action for claims 1, 9, 17, 21, and

23. This rejection is respectfully maintained, and repeated *infra*.

Regarding independent claims 1, 9, 17, 21, and 23, and dependent claims 6 and 13, the

Applicants argue that Carroll (U.S. Patent No. 6,683,631), cited in the previous Office Action,

fails to teach a method involving selecting a second set of data in an application, wherein a first

set of data remains selected during the selection of the second set of data, and wherein the

method is adapted to allow selection of the second set of data anywhere within the application

irrespective of a location of the first set of data, as is claimed. The Applicants submit that

Carroll describes selecting an initial region (i.e. a first set of data), extending this initial region

by appending onto it a newly-selected region (i.e. a second set of data), and deselecting an area

within the initial region. The Applicants further submit that the newly-selected region must be

contiguous with the initial region; the Applicants submit that selecting the new region involves

positioning the cursor at the edge of the initially-selected region. Based on this reasoning, the

Applicants argue that the newly-selected region (i.e. the second set of data) of Carroll is not

anywhere within the application irrespective of the location of the initially-selected region (i.e.

the first set of data), as is claimed. The Examiner, however, respectfully disagrees with this

argument.

As alleged by the Applicants, Carroll does in fact teach selecting an initial region, extending the initial region, and deselecting a portion of the initial region. However, it is abundantly clear that such a teaching is only an example, and that this is not the only sequence of inputs a user may perform to select data. That is, once a user has a initially selected a region, it is apparent that the user is not limited to extending the initially-selected region or deleting a portion of the initially-selected region; Carroll clearly suggests that the user can perform other options, including selecting a region that is non-contiguous with, i.e. not an extension of, the initially-selected region.

For example, Carroll discloses that a user may select a region that encompasses all, some portions of, or no previously-selected regions (see column 3, lines 33-60). It is therefore apparent that while a previously-selected region (i.e. a first set of data) is indicated as selected, the user of Carroll's teachings is not limited to placing the cursor at end of this region and expanding the region, as is suggested by the Applicants. In other words, while the previously-selected region is indicated as selected, Carroll suggests that the user can select another region (i.e. a second set of data), which may or may not include the previously-selected region. The other region may thus be located irrespective of the location of the previously-selected region.

Furthermore, Carroll places no limit on what regions can be selected, and more specifically, places no limit on what regions can be selected if a region is already indicated as selected. That is, there is no explicit requirement that, if a region is already selected, the user can only expand the region or deselect a portion of the region. The flowchart of FIG. 2 (described at column 3, lines 33-67) delineates the steps used in selecting or deselecting a region. Carroll discloses that these steps are repeated to select and/or deselect multiple regions (see e.g. column

5, lines 8-22). However, there is no requirement in the flowchart or in Carroll's disclosure that

when a region (i.e. a first set of data) is initially selected, additional regions (e.g. a second set of

data) must be contiguous with the initially-selected region. It is thus apparent that the additional

regions may be located anywhere irrespective of the location of the initially-selected region.

Moreover, even the prior art described by Carroll allows separate selection of multiple

noncontiguous regions of data (see column 1, lines 44-55). That is, while Carroll improves upon

the prior art by allowing the user to deselect a previously-selected region or portions thereof (see

e.g. column 1, line 45- column 2, line 3), it is apparent that the user can still separately select a

plurality of noncontiguous regions of data, as taught by the prior art of Carroll. Such regions

may thus be located anywhere irrespective of the location of an initially-selected region.

Finally, Carroll explicitly states that, instead of enlarging or deselecting previously-

selected text, the user can select (i.e. "modify") text that is not proximal to the initially-selected

text (see column 5, lines 48-52). That is, the user-selected text may be located anywhere

irrespective of the location of the initially-selected text.

Accordingly, for all these reasons, the Examiner respectfully maintains that Carroll

teaches selecting a second set of data in an application, wherein a first set of data remains

selected during the selection of the second set of data, and wherein the second set of data may be

located anywhere within the application irrespective of the location of the first set of data, as is

claimed.

Further regarding independent claims 1, 9, 17, 21, and 23, the Applicants contest the

Examiner's assertion, made in the previous Office Action, that "[s]ince the user can freely move

the positional indicator to any location, as is well known in the art, it is clear that the active select

region may be located anywhere chosen by the user." The Applicants particularly submit that

such a statement amounts to Official Notice, and request references to teach this feature. In

response, the Examiner respectfully submits that said statement does not amount to Official

Notice, but instead, to inherency. The Examiner asserts that, within Carroll's applications (e.g. a

word processing application), it is inherent that the user can move the cursor (i.e. positional

indicator) to any location (i.e. to select any data). The fact that a user may move a cursor to any

location in order to enter, edit, and/or select data, is an intrinsic part of such applications. For

example, a word processing application would be ineffectual if the user could not move a cursor

to any location within a document displayed by said word processing application to enter, edit,

and/or select data within the document. Accordingly, the Examiner maintains that, with the

applications of Carroll, the user can move the cursor to any location.

Regarding claims 4, 10, 17, 21, and 23, the Applicants argue that Carroll fails to teach or

suggest selecting, in a distinctive manner, a portion of one of the selected sets of data, wherein

the one of the selected sets of data remains selected during the selection of the portion. The

Examiner, however, respectfully disagrees with this argument. Carroll clearly discloses selecting

a region, i.e. an "active select region," which can include a portion of a previously-selected

region (see e.g. column 3, lines 33-67). Moreover, Carroll clearly discloses that such an active

select region is presented as a highlighted region of a different color than that of the previously-

selected region (see e.g. column 4, lines 12-20; and column 4, lines 53-65). Accordingly, the

Examiner maintains that Carroll teaches selecting, in a distinctive manner (i.e. as a highlighted

region of a different color), a portion (i.e. an active select region) of one of the selected sets of

data, wherein the one of the selected sets of data remains selected during the selection of the

portion, as is claimed.

The Applicants' arguments have thus been fully considered, but are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 9, 17, 21, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claims contains subject matter which was

not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventors, at the time the application was filed, had possession of the claimed

invention. The specification discloses a method for selecting a first set of data within an

application and selecting a second set of data within the application, wherein the method is

adapted to allow selection of the second set of data that is non-contiguous with the first set of

data (see e.g. page 9, line 19 – page 10, line 13). The specification, however, does not explicitly

disclose or suggest that the method is adapted to allow selecting of the second set of data

anywhere within the application, irrespective of a location of the first set of data, as is expressed

in each of claims 1, 9, 17, 21, and 23.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No.

6,683,631, which is attributed to Carroll.

The applied reference has a common assignee with the instant application. Based upon

the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C.

102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37

CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an appropriate

showing under 37 CFR 1.131.

In reference to claim 1, Carroll teaches selecting a first set of data within an application

(e.g. a word processing application) and selecting a second set of data within the application,

wherein the first set of data remains selected during the selection of the second set of data (for

example, see figure 6: elements 104 and 106 each represent a selected set of data). It is readily

apparent that the first set need not be contiguous with the second set. For example, Carroll

discloses that the user selects data by first positioning a positional indicator, e.g. a cursor, within

the application and then entering an input (e.g. a predetermined set of keystrokes or depression

of a mouse key) to initiate the selection of data (see column 3, lines 32-50; and column 4, lines

1-19). In response, a "begin active select delimiter" is generated at the location of the positional

indicator when the input occurred (see column 3, lines 32-50; and column 4, lines 1-19). The

user then moves the positional indicator, resulting in the creation of an "active select region"

between the begin active select delimiter and the positional indicator, the active select region

being displayed in a different manner (e.g. in a different color) than any previously-selected data,

which remains selected (see column 3, lines 32-50; and column 4, lines 1-19). Finally, the user

enters a second input (e.g. a second set of keystrokes) to indicate termination of the selection of

data, wherein response, an "end active set delimiter" is generated at the location of the positional

indicator when this second input occurred (see column 3, lines 32-53; and column 4, lines 1-30).

Depending on the positional relationship between the begin active set delimiter and the end

active set delimiter, the active select region, including any previously-selected data, is converted

into a selected region; if the begin active set delimiter is to the left of or above the end active set

delimiter (i.e. the user moved the cursor down and/or to the right), then the active select region is

converted to a selected region (see e.g. column 3, lines 53-67). The location of a selected region

is thus dependent on the location of the active selected region, which is dependent upon the

location of the positional indicator when the first and second input occurs. And since the user

can freely move the positional indicator, e.g. cursor, to any location – as is well known in the art

– it is clear that the active selected regions may be located anywhere chosen by the user (i.e. the

user may arbitrarily select any data), irrespective of any previously-selected regions. Carroll

thus teaches a method like that of claim 1, wherein the method is adapted to allow selecting of a

second set of data anywhere within the application irrespective of the location of a first set of

data.

Regarding claim 2, Carroll teaches performing a predetermined keystroke after selecting

a first set of data, wherein the keystroke allows the first data set to remain selected during the

selection of a second set of data (for example, see column 3, line 35 – column 4, line 20).

Regarding claim 3, Carroll teaches processing a selected region via functions such as

copy, print, or cut (see e.g. column 1, lines 29-30). Moreover, Carroll is directed to creating

multiple simultaneously-selected regions, such that these regions may be processed without

selecting and processing each region separately (for example, see column 2, lines 4-8). It is

therefore understood that the user may select and simultaneously copy multiple selected sets of

data and then simultaneously print, i.e. paste, the multiple sets of data to a predetermined area

(see e.g. column 5, lines 8-22).

Regarding claims 4 and 5, Carroll discloses that the user selects data by first positioning a

positional indicator, e.g. a cursor, and then entering an input (e.g. a predetermined set of

keystrokes or depression of a mouse key) to initiate the selection of data (see column 3, lines 32-

50; and column 4, lines 1-19). In response, a "begin active select delimiter" is generated at the

location of the positional indicator when the input occurred (see column 3, lines 32-50; and

column 4, lines 1-19). The user then moves the positional indicator, resulting in the creation of

an "active select region" between the begin active select delimiter and the positional indicator,

the active select region being displayed in a different manner (e.g. in a different color) than any

previously-selected data, which remains selected (see column 3, lines 32-50; and column 4, lines

1-19). Carroll further discloses that such an active select region may include a portion of the

previously-selected data (see e.g. column 3, lines 51-67). Accordingly, Carroll teaches selecting

(i.e. as an active select region) in a distinctive manner (e.g. in a different color) a first portion of

one of the selected sets of data, wherein the selected set of data remains selected during the

selection of the first portion. As the user moves the positional indicator, the active select region

becomes enlarged, and if the cursor is within a previously-selected region, additional portions of

the previously-selected region become selected, i.e. become part of the active select region.

Accordingly, Carroll further teaches selecting, in a distinctive manner, a second portion of the

one of the selected set of data, wherein the first portion remains selected during the selection of

the second portion based upon a predetermined keystroke (i.e. based on the above-described

second input), and then manipulating the selected portions.

With respect to claim 6, Carroll teaches selecting a first set of data within an application

(e.g. a word processing application) and selecting a second set of data within the application,

wherein the first set of data remains selected during the selection of the second set of data, as is

described above. It is readily apparent that the first set need not be contiguous with the second

set. For example, as shown above in the discussion concerning claim 1, Carroll discloses that the

user selects data in an application by: first positioning a positional indicator (e.g. a cursor)

within the application; entering an input (e.g. a predetermined set of keystrokes) to initiate the

selection of data, whereby a "begin active select delimiter" is generated at the location of the

positional indicator; moving the positional indicator, resulting in the creation of an "active select

region" between the begin active select delimiter and the positional indicator; and entering a

second input (e.g. a second set of keystrokes) to indicate termination of the selection of data,

whereby an "end active set delimiter" is generated at the location of the positional indicator, and

whereby the active select region is converted into a selected region depending on the positional

relationship between the begin active set delimiter and the end active set delimiter. The location

of such a selected region is thus dependent only on the location of the active selected region, or

in other words, the location of a selected region is dependent upon the location of the positional

indicator when the first and second input occurs. Since the user can freely move the positional

indicator to any location – as is well known in the art – it is clear that the selected region may be

located anywhere chosen by the user, and need not be contiguous with a previously-selected

region.

Concerning claim 7, Carroll discloses that the data selected by the user is text data (see

e.g. column 3, lines 15-17).

As per claim 8, Carroll teaches deselecting text when a positional indicator is

manipulated in a second direction (see e.g. column 2, lines 11-13; and column 3, lines 51-67).

That is, a user may deselect a selected set of data.

In reference to claim 9, Carroll teaches providing an application (e.g. a word processing

application) for the manipulation of data, and selecting a first set of data within the application

(for example, see figure 1: element 106 represents a first selected set of data). Carroll further

teaches performing a predetermined keystroke (to generate a "begin active set delimiter") and

selecting a set of data (i.e. a second set of data) within the application, whereby any previously-

selected data (i.e. the first set of data) remains selected during the selection of the set (see e.g.

column 3, line 33 – column 4, line 34). In particular, as shown above in the discussion

concerning claim 1, Carroll discloses that the user selects a set of data (e.g. the second set of

data) by: positioning a positional indicator, e.g. a cursor, within the application and then

entering an input (e.g. a predetermined set of keystrokes) to initiate the selection of data, wherein

response, a "begin active select delimiter" is generated at the location of the positional indicator

when the input occurred; moving the positional indicator, resulting in the creation of an "active select region" between the begin active select delimiter and the positional indicator, the active select region being displayed in a different manner (e.g. in a different color) than any previously-selected data (e.g. a first selected set of data), which remains selected; entering a second input (e.g. a second set of keystrokes) to indicate termination of the selection of data, wherein response, an "end active set delimiter" is generated at the location of the positional indicator when this second input occurred, and whereby the active select region is converted into a selected region if the begin active set delimiter is to the left of or above the end active set delimiter. The location of a selected region (e.g. the second set of data) is thus dependent on the location of the active selected region, i.e. the location of the positional indicator when the first and second input occurs. Since the user can freely move the positional indicator, e.g. cursor, to any location – as is well known in the art – it is clear that the selected region may be located anywhere chosen by the user (i.e. the user may arbitrarily select any data), irrespective of any previously-selected regions. Carroll thus teaches a method like that of claim 9, wherein the method is adapted to allow selecting of a second set of data anywhere within the application irrespective of the location of a first set of data.

Regarding claim 10, Carroll discloses that the user selects data by positioning a positional indicator, e.g. a cursor, and then entering an input (e.g. a predetermined set of keystrokes) to initiate the selection of data (see column 3, lines 32-50; and column 4, lines 1-19). In response, a "begin active select delimiter" is generated at the location of the positional indicator when the input occurred (see column 3, lines 32-50; and column 4, lines 1-19). The user then moves the positional indicator, resulting in the creation of an "active select region" between the begin

active select delimiter and the positional indicator, the active select region being displayed in a

different manner (e.g. in a different color) than any data region that's already been selected (for

example, see column 3, lines 32-50; and column 4, lines 1-19). Carroll further discloses that

such an active select region may include a portion of the previously-selected data region, which

remains selected (see e.g. column 3, lines 51-67). Accordingly, it is apparent that selecting an

active select region that includes a portion of a previously-selected set of data entails selecting

(i.e. as the active select region) in a distinctive manner (e.g. in a different color) a first portion of

one of the previously-selected sets of data, wherein the selected set of data remains selected

during the selection of the first portion. As the user moves the positional indicator, the active

select region becomes enlarged, and if the cursor is within the previously-selected set of data,

additional portions of the previously-selected set become selected, i.e. become part of the active

select region. Accordingly, Carroll further teaches selecting, in a distinctive manner, a second

portion of the one of the selected set of data, wherein the first portion remains selected during the

selection of the second portion based upon a second predetermined keystroke (e.g. based on the

above-described second input, or lack thereof, indicating termination of the selection of data).

Regarding claims 11 and 12, Carroll teaches processing a selected region via functions

such as copy, print, or cut (see e.g. column 1, lines 29-30). The user may thus copy and print,

i.e. paste, the multiple selected sets of data to a predetermined area (see e.g. column 5, lines 8-

22). The user may further manipulate the selected sets of data in the predetermined area using

the copy, print, and paste functions, as is known in the art.

With respect to claim 13, Carroll teaches selecting a first set of data within an application

(e.g. a word processing application) and selecting a second set of data within the application,

wherein the first set of data remains selected during the selection of the second set of data, as is

described above. It is readily apparent that the first set need not be contiguous with the second

set. For example, as shown above in the discussion concerning claim 1, Carroll discloses that the

user selects data in an application by: first positioning a positional indicator (e.g. a cursor)

within the application; entering an input (e.g. a predetermined set of keystrokes) to initiate the

selection of data, whereby a "begin active select delimiter" is generated at the location of the

positional indicator; moving the positional indicator, resulting in the creation of an "active select

region" between the begin active select delimiter and the positional indicator; and entering a

second input (e.g. a second set of keystrokes) to indicate termination of the selection of data,

whereby an "end active set delimiter" is generated at the location of the positional indicator, and

whereby the active select region is converted into a selected region depending on the positional

relationship between the begin active set delimiter and the end active set delimiter. The location

of such a selected region is thus dependent only on the location of the active selected region, or

in other words, the location of a selected region is dependent upon the location of the positional

indicator when the first and second input occurs. Since the user can freely move the positional

indicator to any location – as is well known in the art – it is clear that the selected region may be

located anywhere chosen by the user, and need not be contiguous with a previously-selected

region, e.g. the first set of data.

Concerning claim 14, Carroll discloses that the data selected by the user is text data (see

e.g. column 3, lines 15-17).

As per claim 15, Carroll teaches selecting a first set of text within an application (e.g. a

word processing application) and selecting a second set of text within the application, wherein

the first set of text remains selected during the selection of the second set of text, as is described

above. The text of the word processing application is arbitrary, and may comprise computer

code (see e.g. column 4, lines 40-41).

As per claim 16, Carroll teaches deselecting text when a positional indicator is

manipulated in a second direction (see e.g. column 2, lines 11-13; and column 3, lines 51-67).

That is, a user may deselect a selected set of data.

In reference to claim 17, Carroll teaches providing an application (e.g. a word processing

application) for the manipulation of data, and selecting a first set of data within the application

(for example, see figure 1: element 106 represents a first selected set of data). The data

displayed by the word processing application is arbitrary, and may comprise computer code (see

e.g. column 4, lines 40-41). Carroll further teaches performing a predetermined keystroke (to

generate a "begin active set delimiter") and selecting a set of data (i.e. a second set of data)

within the application, whereby any previously-selected data (i.e. the first set of data) remains

selected during the selection of the set based on the keystroke (see e.g. column 3, line 33 –

column 4, line 34). Additionally, Carroll discloses that an active select region may include a

portion of a previously-selected data region (e.g. the first or second set of data), which remains

selected (see e.g. column 3, lines 51-67). Accordingly, it is apparent that selecting an active

select region that includes a portion of a previously-selected set of data entails selecting (i.e. as

the active select region) in a distinctive manner (e.g. in a different color) a portion of one of the

previously-selected sets of data, wherein the selected set of data remains selected during the

selection of the first portion. Carroll also teaches processing such a selected region via functions

such as copy, print, or cut (see e.g. column 1, lines 29-30). The user may thus copy and print,

i.e. paste, the multiple selected sets of data to a predetermined area (see e.g. column 5, lines 8-22), and may further manipulate the selected sets of data in the predetermined area using the copy, print, and paste functions, as is known in the art. As described above, the user selects data (e.g. the first data set, the second data set, or the portion) by: first positioning a positional indicator (e.g. a cursor) within the application; entering an input (e.g. a predetermined set of keystrokes) to initiate the selection of data, whereby a "begin active select delimiter" is generated at the location of the positional indicator; moving the positional indicator, resulting in the creation of an "active select region" between the begin active select delimiter and the positional indicator; and entering a second input (e.g. a second set of keystrokes) to indicate termination of the selection of data, whereby an "end active set delimiter" is generated at the location of the positional indicator, and whereby the active select region is converted into a selected region depending on the positional relationship between the begin active set delimiter and the end active set delimiter. The location of such a selected region is thus dependent only on the location of the active selected region, or in other words, the location of a selected region is dependent upon the location of the positional indicator when the first and second input occurs. Since the user can freely move the positional indicator, e.g. cursor, to any location – as is well known in the art – it is clear that the selected regions may be located anywhere chosen by the user (i.e. the user may arbitrarily select any data), irrespective of any previously-selected regions. Carroll thus teaches a method like that of claim 17, wherein the method is adapted to allow selecting of a second set of data anywhere within the application irrespective of the location of a first set of data.

Regarding claims 18 and 19, Carroll teaches processing a selected region via functions

such as copy, print, or cut (see e.g. column 1, lines 29-30). That is, the user may thus copy and

cut the multiple selected sets of data, prior to pasting the data, as is known in the art.

Concerning claim 20, Carroll discloses that the data selected by the user is text data (see

e.g. column 3, lines 15-17).

Regarding claims 21 and 23, Carroll teaches a method comprising: selecting a first set of

data and a second set of data within an application (e.g. a word processing application), wherein

the first set of data remains selected during the selection of the second set of data based upon a

predetermined keystroke; and selecting, in a distinctive manner, a portion of one of the selected

sets of data, wherein the one of the selected sets of data remains selected during the selection of

the portion, and wherein selection of the second set of data is allowed anywhere within the

application, irrespective of a location of the first set of data, as is shown above in the rejection

for claim 17, for example. Carroll further discloses that such method steps may be implemented

vie program code stored on a recordable medium (see e.g. column 4, lines 47-52). Such a

recordable medium comprising program code for implementing the method of Carroll is

considered a program product, like that of claim 21. Additionally Carroll discloses that such a

method may be implemented by a computer workstation (see e.g. column 2, line 55 – column 3,

line 14). Such a workstation implementing the method of Carroll is considered a system, like

that described in claim 23.

As per claims 22 and 24-26, Carroll teaches selecting a first set of text within an

application (e.g. a word processing application) and selecting a second set of text within the

application, wherein the first set of text remains selected during the selection of the second set of

text, as is described above. The text of the word processing application is arbitrary, and may comprise computer code (see e.g. column 4, lines 40-41). Carroll further teaches manipulating selected regions, or portions thereof, via functions such as copy, print, or cut (see e.g. column 1, lines 29-30). That is, the word processing application comprises code for copying the selected sets of data, cutting the selected sets of data, pasting the selected sets of data, and manipulating the selected portion of data. Moreover, the application may include functionality for deselecting a selected set of data, or portion thereof, when a positional indicator is manipulated in a second direction (see e.g. column 2, lines 11-13; and column 3, lines 51-67).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

btb

1/18/2007

TADESSE HAILU

Patent Examiner